



**AMENDMENT TO INTERLOCAL AGREEMENT  
ESTABLISHING THE FLORIDA E-FILING AUTHORITY**

**THIS AMENDMENT** made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, to the Interlocal Agreement Establishing the Florida E-Filing Authority dated September 3, 2010 (the “Interlocal Agreement”), by and between the Clerks of the Circuit Court and the Clerk of the Florida Supreme Court, as the designee of the Chief Justice of the Florida Supreme Court on behalf of the state courts, each constituting a “public agency” under Part I of Chapter 163, Florida Statutes (collectively the “Clerks”).

**RECITALS**

**WHEREAS**, the Clerks entered into an Interlocal Agreement, dated September 3, 2010, which established the Florida E-Filing Authority (the “Authority”) for the principal purpose of designing, developing, implementing, operating, upgrading, supporting and maintaining a statewide system for electronic filings of court documents; and

**WHEREAS**, the Authority has determined that it is in the best interest of the Clerks, the judiciary and the public to amend the Interlocal Agreement in order for the Authority to effectively carry out its directives.

**NOW THEREFORE**, in consideration of the foregoing, it is mutually agreed and understood by and among the Clerks that the Interlocal Agreement shall be amended.

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**SECTION 1.** The Interlocal Agreement is hereby amended as follows:

**2.1. CREATION.** The Clerks hereby create and establish the Florida E-Filing Authority (“Authority”), a legal entity and public body subject to all applicable Florida ~~s~~Statutes, Supreme Court rules and Administrative Orders of the Chief Justice of the Florida Supreme Court that govern the individual clerks of circuit court, clerks of the District Courts of Appeal and clerk of the Supreme Court in the performance of their record-keeping functions, as well as all Rules of Court relating to public records maintained ~~and all applicable laws and county ordinances relating to procurements~~ by the clerks of the circuit court in their capacity of clerk of court. Records of the Authority that are not Court Records are subject to the provisions of Chapter 119, Florida Statutes. All meetings of the Authority shall be open to the public except for any meetings specifically made exempt under Chapter ~~119~~286, Florida Statutes.

**3.6 AUTHORITY OF OFFICERS.**

- a. The Chairman and the Vice-Chairman shall take such actions, have all such powers and sign all documents, or designate another Board member to sign such documents on his/her behalf, on behalf of the Authority and in furtherance of the purposes of this Interlocal Agreement as may be approved by resolution of the Board adopted at a duly called meeting.

**4.1 POWERS**

- a. The Authority, acting through its Board, shall have only the powers necessary to carry out the purposes of this Interlocal Agreement, including the following powers:

xv. To adopt a purchasing policy appropriate for a governmental body entrusted with public funds to govern its procurement activities. At any such time that a policy is not in place, the Florida Statutes shall govern the procurement activities of the Authority.

xvi. To delegate the following administrative functions to the Florida Association of Court Clerks, Inc.:

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1. Evaluate procurement responses
  2. Enforce contract provisions
  3. Purchase normal operational supplies subject to the policy
  4. Prepare operating and capital budgets for Authority approval
  5. Prepare and distribute items, documents, etc for the Authority
  6. Prepare and distribute communications for the Authority
  7. Manage bank accounts, process operating payments and coordinate audits

**SECTION 2.** All other terms of the Interlocal Agreement remain in full force and effect.

**SECTION 3. CONSENT OF MEMBERS.** Pursuant to Section 5.6 of the Interlocal Agreement, the Interlocal Agreement, including Exhibit 1, may be amended in writing at any time by the concurrence of all of the Members. The President of the Association, in consultation with the Chair of the Authority, is hereby authorized and directed to contact each Member to determine whether said Member consents to the amendments contained herein. The consent shall be substantially in the form attached hereto as Exhibit A. The amendments contained herein shall not become effective until the consent of each Member is obtained.

**SECTION 4. CONSENT OF DIRECTORS OF BOARD.** Members who are existing Directors of the Board who vote in favor of the amendments contained herein shall be deemed to have consented and no further evidence of consent shall be required. Further, the affirmative vote of the Clerk of the Supreme Court in favor of the amendments contained herein shall be evidence of the consent of the district courts of appeal pursuant to Section 2.3 of the Interlocal Agreement and no further evidence of such consent shall be required.

**SECTION 5. FILING.** Pursuant to Section 5.2 of the Interlocal Agreement and upon consent of all Members of the Authority, this Amendment shall be filed with the clerk of the circuit court in each county wherein a Member is located. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

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**SECTION 6. EFFECTIVE DATE.** This Amendment shall become effective when it is last approved and executed by all Clerks.

**PASSED AND ADOPTED** by the Board of Directors of the Authority this \_\_\_\_\_ day of June, 2012.

Lydia Gardner, Chair	Yea ___ Nay ___
Tom Hall, Vice Chair	Yea ___ Nay ___
Karen Nicolai, Secretary/Treasurer	Yea ___ Nay ___
Bill Kinsaul, Director	Yea ___ Nay ___
Bob Inzer, Director	Yea ___ Nay ___
Tim Smith, Director	Yea ___ Nay ___
Joe Smith, Director	Yea ___ Nay ___
Karen Rushing, Director	Yea ___ Nay ___
Sharon Bock, Director	Yea ___ Nay ___

**FLORIDA COURTS E-FILING AUTHORITY**

By: \_\_\_\_\_ Chairman, Board of Directors

ATTEST:

\_\_\_\_\_ Secretary, Board of Directors

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**Exhibit A**

**CONSENT TO AMENDMENT OF INTERLOCAL AGREEMENT**

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\_\_\_\_\_, 2012

### CONSENT TO AMENDMENTS

In accordance with Section 5.6 of the Interlocal Agreement, dated September 3, 2010, as amended, (the "Interlocal Agreement"), the Board of Directors of the Florida Courts E-Filing Authority (the "Authority") hereby requests your consent as a Member of the Authority, to the proposed amendments as described in the attached Amendment to the Interlocal Agreement and as summarized herein. Such amendments would (i) allow the Authority to adopt a purchasing policy rather than follow the ordinances of all counties and, in the event no policy is adopted, the Florida Statutes would prevail, (ii) allow the Chair and Vice-Chair to delegate their signing authority and (iii) clarify that the Authority may delegate administrative functions of the Authority to Authority staff.

In accordance with the provisions of the Interlocal Agreement, the amendments will not become effective until all Members have consented.

Please either respond to Beth Allman via electronic mail at allman@flclerks.com to provide your consent or denial or please indicate your consent on the space provided below and return this form to the Authority electronically, or to P.O. Box 180519, Tallahassee, Florida 32318, ATTN: Beth Allman, prior to July 13, 2012.

I, \_\_\_\_\_, hereby consent to the proposed amendments contained in the Amendment to the Interlocal Agreement adopted by the Board of Directors of the Authority on June 12, 2012.

\_\_\_\_\_  
Clerk of Circuit Court

\_\_\_\_\_ County